

**Notice of Allowability**

Application No.

10/719,644

Examiner

Mike Chambers

Applicant(s)

MONTANO ET AL.

Art Unit

3711

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/14/07 paper.
2. ☒ The allowed claim(s) is/are 1,3-5,7-19 and 21-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
EUGENE KIM  
SUPERVISORY PATENT EXAMINER

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steven Hays on November 28, 2007.

The application has been amended as follows:

Claims 2,6,20 and 28 have been canceled in their entirety.

In Claims 3 and 4: The term "claim 2" has been replaced with— claim 1 —

In Claims 7 and 8: The term "claim 6" has been replaced with— claim 1 —

In Claims 21 and 22: The term "claim 20" has been replaced with— claim 18 —

In Claim 1: The term "along at least half of its length" has been replaced with—  
along at least half of its length; wherein said one of said pair of sidewalls includes upper and lower arms and, for at least one pitch angle of the head, the upper and lower arms cooperate to simultaneously support a lacrosse ball throughout a first range of roll angles of the open frame and the adjacent outer side surface of the throat supports a lacrosse ball throughout a second range of roll angles of the open frame. —

In Claim 18: The term "along at least half of its length" has been replaced with—  
along at least half of its length; wherein said one of said pair of sidewalls includes  
upper and lower arms and, for at least one pitch angle of the head, the upper and lower  
arms cooperate to simultaneously support a lacrosse ball throughout a first range of roll  
angles of the open frame and the adjacent outer side surface of the throat supports a  
lacrosse ball throughout a second range of roll angles of the open frame. —

In Claim 24: The term "the transverse wall." has been replaced with—  
the transverse wall; wherein said one of said pair of sidewalls includes upper and lower  
arms and, for at least one pitch angle of the head, the upper and lower arms cooperate  
to simultaneously support a lacrosse ball throughout a first range of roll angles of the  
open frame and the adjacent outer side surface of the throat supports a lacrosse ball  
throughout a second range of roll angles of the open frame. —

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Chambers whose telephone number is 571-272-4407. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Chambers  
Examiner  
Art Unit 3711

November 28, 2007

A handwritten signature in black ink, appearing to read "Eugene Kim", with a stylized flourish at the end.

EUGENE KIM  
SUPERVISORY PATENT EXAMINER